

# HOUSE BILL No. 1757

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-26-19.

**Synopsis:** Regulation of pharmacy technicians. Establishes a certification program for pharmacy technicians and a permit program for pharmacy technicians in training. Establishes penalties for violations.

**Effective:** July 1, 2003.

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**Klinker, Brown T, Orentlicher**

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January 21, 2003, read first time and referred to Committee on Public Health.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1757

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 25-26-19 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2003]:

4 **Chapter 19. Regulation of Pharmacy Technicians**

5 **Sec. 1. As used in this chapter, "board" refers to the Indiana**  
6 **board of pharmacy established by IC 25-26-13-3.**

7 **Sec. 2. As used in this chapter, "pharmacy technician" means an**  
8 **individual who:**

9 **(1) works under the direct supervision of a pharmacist**  
10 **licensed under IC 25-26; and**

11 **(2) performs duties to assist a pharmacist in activities that do**  
12 **not require the professional judgment of a pharmacist.**

13 **Sec. 3. As used in this chapter, "pharmacy technician in**  
14 **training" means a person who is enrolled in a training program for**  
15 **pharmacy technicians prescribed by the board.**

16 **Sec. 4. (a) The board may adopt rules under IC 4-22-2 to:**

17 **(1) implement and enforce this chapter;**



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(2) set fees under IC 25-1-8; and

(3) establish education and training requirements for certification to practice as a pharmacy technician.

(b) The board shall:

(1) establish standards for the competent practice of pharmacy technicians; and

(2) subject to IC 4-21.5, IC 25-1-7, and IC 25-1-9, conduct proceedings on any matter under the jurisdiction of the board.

**Sec. 5. The board shall issue a pharmacy technician certificate to an individual who:**

(1) applies to the board in the form and manner prescribed by the board;

(2) is at least eighteen (18) years of age;

(3) has not been convicted of a crime that has a direct bearing upon the individual's ability to practice competently;

(4) is not in violation of this chapter or rules adopted by the board under section 4 of this chapter;

(5) has paid the fee set by the board under section 4 of this chapter; and

(6) has completed a program of education and training approved by the board or has been certified as competent by a board approved association of pharmacy technicians.

**Sec. 6. (a) The board shall issue a pharmacy technician in training permit to an individual who:**

(1) applies to the board in the form and manner prescribed by the board;

(2) is at least eighteen (18) years of age;

(3) has not been convicted of a crime that has a direct bearing upon the individual's ability to practice competently;

(4) has submitted proof of acceptance into a pharmacy technician program approved by the board;

(5) is not in violation of this chapter or rules adopted by the board under section 4 of this chapter; and

(6) has paid the fee set by the board under section 4 of this chapter.

(b) The board must approve an application for a pharmacy technician in training permit before the applicant may begin a pharmacy technician in training program.

(c) A pharmacy technician in training permit expires on the earliest of the following:

(1) The date the permit holder is issued a pharmacy



1 technician certificate under this chapter.

2 (2) The date the board disapproves the permit holder's  
3 application for a pharmacy technician certificate under this  
4 chapter.

5 (3) The date the permit holder ceases to be enrolled in good  
6 standing in a pharmacy technician training program  
7 approved by the board. The graduation of a permit holder  
8 from a pharmacy technician program does not cause the  
9 permit to expire under this subdivision.

10 (4) Sixty (60) days after the date that the permit holder  
11 successfully completes a program approved by the board.

12 (5) Twelve (12) months after the date of issuance.

13 Sec. 7. (a) A pharmacy technician certificate expires on a date  
14 set by the health professions bureau in each even-numbered year.

15 (b) An application for renewal of a pharmacy technician  
16 certificate must be accompanied by the appropriate fee.

17 (c) If a person fails to renew a pharmacy technician certificate,  
18 the certificate may be reinstated by meeting the requirements  
19 under IC 25-1-8-6.

20 (d) The board may require a person who applies for a certificate  
21 under subsection (c) to appear before the board and explain the  
22 reason why the person failed to renew a pharmacy technician  
23 certificate.

24 Sec. 8. A certified pharmacy technician may not perform the  
25 following activities:

26 (1) Drug utilization review.

27 (2) Clinical conflict resolution.

28 (3) Prescriber contact concerning:

29 (A) prescription drug clarification;

30 (B) therapy modification; or

31 (C) patient counseling.

32 (4) Dispensing process validation.

33 (5) Receiving a new prescription drug order over the  
34 telephone or electronically unless the original information is  
35 recorded so a pharmacist may review the prescription drug  
36 order as transmitted.

37 Sec. 9. (a) An individual may not practice as a pharmacy  
38 technician unless the individual is certified under this chapter.

39 (b) An individual may not act as a pharmacy technician in  
40 training unless the individual has obtained a permit under this  
41 chapter.

42 (c) An individual who knowingly violates this section commits

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1 a Class D felony.

2 Sec. 10. (a) Except as otherwise provided in IC 25-26-13,  
3 IC 16-42-19, or IC 35-48, the following apply:

4 (1) No individual other than a:

5 (A) licensed pharmacist;

6 (B) holder of a temporary pharmacy license;

7 (C) pharmacy intern;

8 (D) pharmacy extern;

9 (E) certified pharmacy technician; or

10 (F) pharmacy technician in training;

11 may have access to a pharmacy area licensed under  
12 IC 25-26-13.

13 (2) No individual may have access to a licensed pharmacy  
14 area if a pharmacist is not on duty.

15 (b) An individual who knowingly violates this section commits  
16 a Class D felony.

17 Sec. 11. (a) If an individual violates this chapter, the attorney  
18 general, the board, or the prosecuting attorney of the county in  
19 which the individual violates this chapter may maintain an action  
20 in the name of the state to enjoin the individual from continued  
21 violation of this chapter.

22 (b) An injunction issued under this section does not relieve an  
23 individual person from criminal prosecution but is in addition to  
24 any remedy provided under criminal law.

25 SECTION 2. [EFFECTIVE JULY 1, 2003] (a) Notwithstanding  
26 IC 25-26-19, as added by this act, an individual is not required to  
27 be certified under IC 25-26-19 to practice as a pharmacy  
28 technician before January 1, 2004.

29 (b) Notwithstanding IC 25-26-19, as added by this act, an  
30 individual is not required to hold a permit under IC 25-26-19, as  
31 added by this act, to act as a pharmacy technician in training  
32 before January 1, 2004.

33 (c) This SECTION expires July 1, 2004.

34 SECTION 3. [EFFECTIVE JULY 1, 2003] Notwithstanding  
35 IC 25-26-19-4, as added by this act, the health professions bureau  
36 shall charge a fee of at least fifty dollars (\$50) to an applicant who  
37 files an application form for certification as a pharmacy technician  
38 or for a pharmacy technician in training permit.

39 SECTION 4. [EFFECTIVE JULY 1, 2003] (a) Notwithstanding  
40 IC 25-26-19-5(6), as added by this act, an individual who applies  
41 for certification as a pharmacy technician to the board of  
42 pharmacy before July 1, 2004, may be certified as a pharmacy

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1 technician without being required to meet the requirements of  
2 IC 25-26-19-5(6), as added by this act, if the individual has been  
3 employed as a pharmacy technician for five (5) years before July  
4 1, 2003.

5 (b) This SECTION expires July 1, 2004.

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